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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALICIA HAMILTON,

Defendant.

Case No.

MOTION FOR SUMMONS

Based on the facts set forth in the Declaration of Darien Meyer in Support of the United States' Motion for Summons, the United States hereby requests that the Court issue a summons for defendant Alicia Hamilton. The facts set forth in the declaration demonstrate that probable cause exists to summon the defendant to answer the Information that has been filed by the United States Attorney.

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: 6/13/08


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Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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UNITED STATES OF AMERICA,

Plaintiff,

v.

ALICIA HAMILTON,

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Case No.

**DECLARATION OF DARIEN MEYER
IN SUPPORT OF UNITED STATES'
MOTION FOR SUMMONS**

I, Darien Meyer, hereby declare as follows:

1. I am a Law Clerk in the United States Attorney's Office assigned to this case. I have received the following information from agents employed by the Department of Homeland Security Office of the Inspector General (DHS OIG) and from reports and other documents provided to me by the DHS OIG.

2. Hurricane Katrina made landfall in the southeastern United States on August 29, 2005. On or about September 20, 2005, defendant Alicia Hamilton ("Hamilton") contacted the Federal Emergency Management Agency (FEMA) and applied for Hurricane Katrina disaster assistance by providing the following false information: (1) her primary residence was 2405 Rex Place, New Orleans, LA 70125 (on October 2, 2005 she called FEMA and changed her primary

1 residence to 3611 2nd Street, New Orleans, LA 70125); (2) she was currently homeless; (3) she
2 was employed at a hotel in New Orleans; (4) she had essential needs for food, shelter and
3 clothing and had lost her work all due to the disaster; and (5) her home and personal property was
4 damaged.

5 3. When Hamilton applied for FEMA disaster assistance, she in fact resided at 320 Parker
6 Avenue, Apartment 5, Rodeo, California where she had lived since January 1, 2005. The proof
7 that she resided in Rodeo, California, rather than New Orleans, Louisiana, is the following: (1)
8 the Quarterly Eligibility/Status Reports of California Health and Human Services Agency
9 showing Defendant applied for welfare as early as January 5, 2005 and received payments
10 through at least August 2006; (2) a statement by the manager of Matrix Property Management
11 that Defendant lived in Apartment 5 of 320 Parker Avenue, an apartment building that his
12 company managed, from January 7, 2005 until February 2006; (3) the tenant ledger for Matrix
13 Property showing that Defendant paid rent at Parker Avenue address from January 2005
14 through January 2006; (4) statement by witness explaining that Defendant had lived with her and
15 her son before the disaster but had moved to California before the hurricane; (5) statement by
16 Hamilton's mother that Defendant did not live with them at the time of the disaster but stayed
17 there occasionally; (6) NEMIS report showing that Defendant was not an occupant of 3611 2nd
18 Street, New Orleans, LA 70125 on Defendant's mother's FEMA file for that address; (7) NEMIS
19 report showing communication dated April 19, 2006 between Hamilton's mother and FEMA
20 stating that Defendant did not reside at address at time of disaster; (8) statement by Payroll
21 Administrator of Barcelon Associates Management Corporation, that Defendant was employed
22 as a Caregiver at Pinole Senior Village in California at the time of the hurricane; and (9) Payroll
23 Report and Earning Statement showing that Defendant worked for Barcelon Associates from
24 June 2005 through May 2006 including the day of the Hurricane, August 29, 2005.

25 4. On November 1, 2005, December 12, 2005, and January 9, 2006 Hamilton signed and
26 returned form 90-69B, which certified as correct all the information she provided to FEMA,
27 including her falsified New Orleans address.

28 5. Hamilton received disaster relief funds from FEMA in the amount of \$14,549.51.


1 6. I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge and belief.

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4 Executed June 6, 2008, at Oakland, California.

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8 DATED: 6/13/08

Respectfully submitted,

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 
12 DARIEN M. MEYER
13 Law Clerk
14 United States Attorney's Office
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1 JOSEPH P. RUSSONIELLO (CASBN 44332)
2 United States Attorney
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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)

Case No.

11 Plaintiff,)

12 v.)

[PROPOSED] ORDER FOR SUMMONS

13 ALICIA HAMILTON,)

14 Defendant.)
15 _____

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17 Having reviewed the Declaration of Darien Meyer, the Court finds that probable cause exists
18 to believe that an offense has been committed. Accordingly, pursuant to Fed. R. Crim. P.
19 58(d)(3), the Clerk of the Court is directed to issue a Summons directing the defendant, Alicia
20 Hamilton, to appear on July 23, 2008 at 10:00 am before Magistrate Judge Wayne D. Brazil to
21 answer the Information that has been filed by the United States Attorney.
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23 IT IS SO ORDERED.

24 Dated: _____

25 WAYNE D. BRAZIL
26 United States Magistrate Judge
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